

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIN MARIE BERNHARDT,

Defendant.

CR 16-05-H-DLC-3

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 18, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Lynch recommended this Court accept Erin Marie Bernhardt’s guilty plea after Bernhardt appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to conspiring to possess with the intent

to distribute, and conspiring to distribute, methamphetamine and Suboxone in violation of 21 U.S.C. §§ 841(a)(1) and 846 as set forth in Count I of the Superseding Information. Defendant also entered a plea of guilty to accepting a bribe as an agent of the State of Montana in violation of 18 U.S.C. § 666(a)(1)(B) as set forth in Count II of the Superseding Information. In exchange for Defendant's pleas, the United States has agreed to dismiss Counts I - V of the Indictment, and Counts I - V of the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 129), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Erin Marie Bernhardt's motion to change plea (Doc. 85) is GRANTED and Erin Marie Bernhardt is adjudged guilty as charged in Counts I and II of the Superseding Information.

DATED this 6th day of September, 2016.



Dana L. Christensen, Chief District Judge
United States District Court